

St. Louis City Ordinance 63288

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 169

INTRODUCED BY ALDERMAN DANIEL MCGUIRE

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in the western most 15 feet wide north/south alley and the western most 162.45 feet of the northern most 15 feet wide east/west alley in C.B. 3879-S bounded by Washington on the north, Euclid on the east, McPherson on the south, and Kingshighway on the west in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A strip of land being all of the western most north/south alley, 15 feet wide, together with the western portion of the northern most east/west alley, 15 feet wide, in Block 3879-S of the City of St. Louis, Missouri being more particularly described as follows:

Beginning at the point of intersection of the northern line of McPherson Avenue, 80 feet wide, with the eastern line of the western most north/south alley, 15 feet wide, in said block; thence north 60 degrees 32 minutes west 16.27 feet along the northern line of said McPherson Avenue, to the western line of said north/south alley; thence north 6 degrees 43 minutes east 297.70 feet along the western line of said north/south alley, to the south-ern line of Washington Boulevard, 70 feet wide; thence south 83 degrees 29 minutes 30 seconds east 15.00 feet along the southern line of said Washington Boulevard, to the eastern line of said north/south alley; thence south 6 degrees 43 minutes west 135.00 feet along the eastern line of said north/south alley, to the northern line of the northern most east/west alley, 15 feet wide, in said block; thence south 83 degrees 29 minutes 30 seconds east 162.44 feet along the northern line of said east/west alley, to the northern prolongation of the western line of the eastern most north/south alley, 15 feet wide, in said block; thence south 6 degrees 44 minutes 30 seconds west 15.00 feet along said prolongation, to the southern line of said east/ west alley; thence north 83 degrees 29 minutes 30

seconds west 162.43 feet along the southern line of said east/west alley, to the eastern line of the western most north/south alley, in said block; thence south 6 degrees 43 minutes west 154.04 feet along the eastern line of the western most north/south alley, to the northern line of said McPherson Avenue, and the point of beginning, and containing 6,950 square feet.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioners are Manfred Polk d/b/a/ New Life Cathedral, Noel Essman, Jim Andres d/b/a Barwick Condominium, Sue Trotta d/b/a Barwick Condominium, Will Gillett d/b/a Barwick Condominium, Linda Kulla d/b/a Barwick Condominium.

Vacation will increase security for New Life Cathedral and other adjacent property owners. It will help to curtail car/ property vandalism in the alley plus remove the use of the alley as a shortcut between McPherson and Washington.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alleys provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way; provided however, that the owners may only

close the rights-of-way on the southern portion of said western most north/south alley and the western portion of said northern most east/west alley with a gate or other portable barricade which can be opened or removed to allow vehicular access and/or egress at such times as deemed necessary by the owners.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to

defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance 365 days (one year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
06/10/94	06/10/94	STR	07/13/94	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
07/18/94			07/22/94	09/30/94
ORDINANCE	VETOED		VETO OVR	
63288				